

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 1250

96TH GENERAL ASSEMBLY

5114L.01T

2012

AN ACT

To repeal sections 77.080, 78.090, and 115.123, RSMo, and to enact in lieu thereof four new section relating to elections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 77.080, 78.090, and 115.123, RSMo, is repealed and four new
2 sections enacted in lieu thereof, to be known as sections 77.080, 77.085, 78.090, and 115.123,
3 to read as follows:

77.080. The style of the ordinances of the city shall be: "Be it ordained by the council
2 of the city of, as follows:". **Except as provided in section 77.085**, no ordinance shall be
3 passed except by bill, and no bill shall become an ordinance unless on its final passage a majority
4 of the members elected to the council shall vote therefor, and the ayes and nays shall be entered
5 on the journal. Every [proposed ordinance] **bill** shall be introduced to the council in writing and
6 shall be read by title or in full two times prior to passage, both readings may occur at a single
7 meeting of the council. If the [proposed ordinance] **bill** is read by title only, copies of the
8 [proposed ordinance] **bill** shall be made available for public inspection prior to the time the bill
9 is under consideration by the council. No bill shall become an ordinance until it shall have been
10 signed by the officer presiding at the meeting of the council at which it shall have been passed.
11 When so signed, it shall be delivered to the mayor for his approval and signature, or his veto.

**77.085. 1. In any city of the third classification with more than fifteen thousand but
2 fewer than seventeen thousand inhabitants and located in any county of the second
3 classification with more than sixty-five thousand but fewer than seventy-five thousand
4 inhabitants, voters in the city may propose an ordinance to prohibit smoking, as the term
5 "smoking" is defined in subdivision (6) of section 191.765, in certain areas and**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

6 establishments within such city by submitting a petition signed by at least the same number
7 of voters that equals twenty-five percent of the votes cast for all candidates for mayor at
8 the last preceding election. The petition shall contain, in addition to the requisite number
9 of valid signatures, the full text of the ordinance sought to be passed and a request that the
10 ordinance be submitted to a vote of the people if not passed by the council.

11 2. The signatures to the petition need not all be appended to one paper, but each
12 signer shall provide with such person's signature the street and number of his or her place
13 of residence. One of the signers of each such paper shall make oath before an officer
14 competent to administer oaths that the statements therein made are true and that each
15 signature to the paper appended is the genuine signature of the person whose name it
16 purports to be.

17 3. Within ten days from the date of filing such petition, the city clerk shall examine
18 and ascertain whether the petition contains signatures by the requisite number of voters.
19 The council shall allow the clerk extra help for that purpose. The clerk shall attach a
20 certificate of examination to the petition. If, by the clerk's certificate, the petition is shown
21 to be insufficient, the petition may be amended within ten days from the date the clerk
22 issued the certificate. The clerk shall, within ten days after such amendment is filed,
23 examine the amended petition and issue another certificate. If the second certificate shows
24 the petition to be insufficient, the petition shall be returned to the person filing it, without
25 prejudice to the filing of a new petition to the same effect. If the petition is deemed to be
26 sufficient, the clerk shall submit it to the city council without delay.

27 4. Upon receipt of the petition and certificate from the clerk, the city council shall
28 either:

- 29 (1) Pass said ordinance without alteration within twenty days; or
30 (2) Submit the question without alteration at the next municipal election.

31 5. The question shall be submitted in substantially the following form:

32 Shall the following ordinance be (adopted) (repealed)? (Set out ordinance).

33 ☐ YES

☐ NO

34 6. If a majority of the voters voting on the proposed ordinance vote in favor, such
35 ordinance shall become a valid and binding ordinance of the city. Any ordinance
36 regulating smoking that is proposed by petition and adopted by a vote of the people cannot
37 be repealed or amended except by a vote of the people. The council may submit a
38 proposition for the repeal or amendment of any such ordinance to be voted upon at any
39 municipal election. If the proposition so submitted receives a majority of the votes cast
40 thereon, such ordinance shall be repealed or amended accordingly.

78.090. 1. Candidates to be voted for at all general municipal elections at which a mayor and councilmen are to be elected under the provisions of sections 78.010 to [78.420] **78.400** shall be nominated by a primary election, **except as provided in this section**, and no other names shall be placed upon the general ballot except those selected in the manner herein prescribed. The primary election for such nomination shall be held on the first Tuesday after the first Monday in February preceding the municipal election.

2. (1) **In lieu of conducting a primary election under this section, any city organized under sections 78.010 to 78.400 may, by order or ordinance, provide for the elimination of the primary election and the conduct of elections for mayor and councilman as provided in this subsection.**

(2) **Any person desiring to become a candidate for mayor or councilman shall file with the city clerk a signed statement of such candidacy, stating whether such person is a resident of the city and a qualified voter of the city, that the person desires to be a candidate for nomination to the office of mayor or councilman to be voted upon at the next municipal election for such office, that the person is eligible for such office, that the person requests to be placed on the ballot, and that such person will serve if elected. Such statement shall be sworn to or affirmed before the city clerk.**

(3) **Under the requirements of section 115.023, the city clerk shall notify the requisite election authority who shall cause the official ballots to be printed, and the names of the candidates shall appear on the ballots in the order that their statements of candidacy were filed with the city clerk. Above the names of the candidates shall appear the words "Vote for (number to be elected)". The ballot shall also include a warning that voting for more than the total number of candidates to be elected to any office invalidates the ballot.**

115.123. 1. All public elections shall be held on Tuesday. Except as provided in subsections 2[,], **and 3**[, and 4] of this section, and section 247.180, all public elections shall be held on the general election day, the primary election day, the general municipal election day, the first Tuesday after the first Monday in [February or] November, or on another day expressly provided by city or county charter, [the first Tuesday after the first Monday in June] and in nonprimary years on the first Tuesday after the first Monday in August. **Bond elections may be held on the first Tuesday after the first Monday in February but no other issue shall be included on the ballot for such election.**

2. Notwithstanding the provisions of subsection 1 of this section, an election for a presidential primary held pursuant to sections 115.755 to 115.785 shall be held on the first Tuesday after the first Monday in [March] **February** of each presidential election year.

3. The following elections shall be exempt from the provisions of subsection 1 of this section:

- 14 (1) Bond elections necessitated by fire, vandalism or natural disaster;
15 (2) Elections for which ownership of real property is required by law for voting; [and]
16 (3) Special elections to fill vacancies and to decide tie votes or election contests; **and**
17 **(4) Tax elections necessitated by a financial hardship due to a five percent or**
18 **greater decline in per-pupil state revenue to a school district from the previous year.**
19 [4. No city or county shall adopt a charter or charter amendment which calls for elections
20 to be held on dates other than those established in subsection 1 of this section.]
21 [5.] **4.** Nothing in this section prohibits a charter city or county from having its primary
22 election in March if the charter provided for a March primary before August 28, 1999.
23 [6.] **5.** Nothing in this section shall prohibit elections held pursuant to section 65.600,
24 but no other issues shall be on the March ballot except pursuant to this chapter.

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